

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

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Illinois Commerce Commission
RAIL SAFETY SECTION

VILLAGE OF FOX RIVER GROVE, ILLINOIS,

Petitioner,

V.

UNION PACIFIC RAILROAD (UP)
and the STATE OF ILLINIOS, DEPARTMENT OF
TRANSPORTATION(IDOT),

) Docket No. T01-0016

Respondents.

Petition to 1) interconnect traffic signals to be installed at the intersection of U.S. Route 14 (Northwest Highway) and Foxmoor Road with the railroad warning devices at the Foxmoor Road at-grade crossing of the UP double mainline tracks in the Village of Fox River Grove; 2) establish the amount of minimum preemption time provided by the UP to IDOT for the traffic signal preemption sequence at said intersection; 3) provide a 6' wide sidewalk platform across the tracks; 4) 'move the railroad control cabinet "bungalow" out of the driver sight lines of school buses crossing the tracks; and 5) install the southeast side traffic presignals on a railroad signal cantilever.

**MOTION TO REQUIRE THE UNION PACIFIC RAILROAD TO PROVIDE A COST
ESTIMATE OF THE WORK TO BE PERFORMED PRIOR TO THE HEARING ON
MAY 10.2001**

Petitioner, Village of Fox River Grove (“Village”), by and through its attorney, Peter M. Rosenthal, of Rosenthal, Murphy, Coblenz & Janega, files this Motion and in support thereof states as follows:

1. The Village tiled a Petition before the Illinois Commerce Commission on February 26, 2001, which matter is set for hearing on May 10, 2001.
2. In its Petition, the Village requested that the Commission issue a notice directing the Union Pacific Railroad ("the UP") to submit detailed estimates of cost, timeframe, and general layout plans for the proposed project at least 10 days prior to the scheduled hearing.

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3. The Notice of Hearing issued by the Commission was a general Notice which did not include this instruction.
4. The UP will be performing the necessary work for this project, and would be the party best able to estimate the costs of the proposed project.
5. Kelly Cleland contacted Jerry Linneman at the UP to discuss obtaining the Railroad's cost estimates for the project prior to the hearing before the Commission.
6. Mr. Linneman indicated to Ms. Cleland that the Railroad typically does not provide such estimates until the Commission orders that such estimates be provided.
6. Prior to the date of this hearing, the Village anticipates applying to receive funds **from** the Illinois Commerce Commission's Grade Crossing Safety Improvement Program.
7. In order to file such Application, the Village must be able to accurately and completely estimate the costs of the proposed project.
8. Additionally, the Village needs the cost estimates prior to the hearing so that the project can be evaluated and the costs analyzed in preparation for the hearing.
9. The Illinois Commerce Commission has jurisdiction in this matter pursuant to the Illinois Commercial Transportation Law (625 ILCS 5/18C-7401) and the Illinois Administrative Code (92 Ill. Adm. Code 1535 et seq.).

NOW, THEREFORE, Petitioner, Village of Fox River Grove, Illinois, requests that the Illinois Commerce Commission issue, in accordance with its authority, a notice to the UP instructing the UP to submit a detailed estimate of its cost, timeframe, and general layout plans for the proposed project at least 7 days prior to the scheduled hearing.

Respectfully submitted,
Village of Fox River Grove, Illinois

By:



Peter M. Rosenthal
One of Their Attorneys

Date:

April 25, 2001

Peter M. Rosenthal
Kelly Cleland
Rosenthal Murphey Coblentz & Janega
30 N. LaSalle St., Suite 1624
Chicago, IL 60602
Phone: (312) 541-1070

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VERIFICATION

STATE OF ILLINOIS)
) SS
COUNTY OF McHENRY)

I, KELLY CLELAND, being first duly sworn, depose and state that I am one of the attorneys representing the Village of Fox River Grove, Petitioner, in this matter; that I have read the foregoing verified Motion; that I know the contents thereof; and that said Motion is true and correct to the best of my knowledge, information and belief.

Kelly Cleland

Kelly Cleland

Attorney for the VILLAGE OF FOX RIVER GROVE
Petitioner

SUBSCRIBED AND SWORN TO

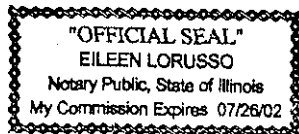
before me this 25th day of

April, 2001.

Eileen Lorusso

Notary Public

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James Slifer, Director
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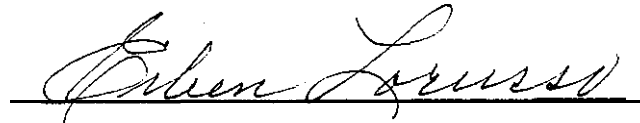
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by placing copies of same into envelopes correctly addressed as aforesaid and bearing sufficient postage prepaid and depositing same in the U.S. Mail at 30 N. LaSalle Street, Chicago, IL 60602 before 5:00 p.m. on April 25, 2001.

A handwritten signature in cursive script, appearing to read "Peter M. Rosenthal", is written over a horizontal line.

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